

**BOARD OF PARK COMMISSIONERS****REGULAR MEETING****Monday, October 16, 2000**

Present: June Bailey, James Johnston, Joe McLeland, M.S. Mitchell, Trix Niernberger, Leon Robinson, and William Sanders

Also Present: Numerous residents from Country Acres Fourth “B” Addition (listed below under the agenda item); Phil Meyer - Baughman Company PA; Fran Hoggatt – Maple Valley Homeowners Association; Willard Burton – Matlock Heights Neighborhood Association; Dale Miller, Neil Strahl, and Tonia Fairbanks – Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD); Blaise Plummer – Law Department; and Larry Hoetmer, Doug Kupper, Tim Martz, and Maryann Crockett (staff)

President Mitchell called the meeting to order at approximately 3:30 p.m.

1. **Vacation of Park and Recreation and drainage land in Country Acres Fourth “B”**

**Addition, Areas A and C.** Neil Strahl, MAPD, briefly reviewed the item stating that the City had requested vacation of areas A and C in Country Acres Fourth “B” Addition. He referred board members to a plat map of the addition that stated areas A and C were dedicated to the public for park, recreational or drainage purposes. Staff also provided an aerial view of the two sites. Strahl requested that the Park Board sign off on the vacation request in order for Planning staff to proceed with a Sub Division meeting on the request on Wednesday, November 29. He commented that residents whose property adjoins either area would be notified of the meeting, along with anyone else who wanted to be on the notification list.

President Mitchell clarified that the only issue the Park Board was being asked to address was vacation of Areas A and C. Planning staff indicated that was correct. Mitchell invited the public to address the Board. The following people spoke regarding the proposed vacation:

- Harrell D. Duncan – provided a letter expressing his concerns, along with pictures of his residence. He said his main concern was drainage in the area.
- Mark Tindal – asked for an explanation of the term “vacation”. Strahl explained that a “vacation” sets aside a condition of the plat. He said in this case the vacation request would set aside the conditions to use areas A and C for park, recreational and drainage purposes and allow development. Tindal stated that Dick Hoskinson (developer) had told the neighborhood that he would be developing the west side of the lake. He expressed concern regarding safety issues involved with increased traffic. He also expressed concern about loss of drainage in the area, possible property damage and loss of wildlife habitat. He concluded by saying he saw no benefit to the City to sell areas A and C to a developer.
- Gordon Reichenberger – expressed concern regarding drainage in and around Area C. He commented that when it rains, he has two feet of water on the south side of his house and one foot of water on the north side. He added that the surrounding neighbors have mowed

the lot, trimmed trees and even graded an area for softball and football practice. He also expressed concern about increased traffic.

- Paula Lassiter – stated that the gutter in front of her house could not handle the rain and that water and debris back up onto her front yard on a regular basis. She said if the area being discussed is developed, drainage would increase. She also mentioned that the current traffic in the area was unbearable.
- Ed Wiley – said his house had a “walk out” basement and that he was concerned about the drainage issue. He added that Area C was also being used by the neighborhood for recreational purposes.
- Dennis Moon – clarified that access and ingress/egress issues needed to be addressed by the Wichita-Sedgwick Country Metropolitan Area Planning Commission. He said he thought the group needed to give the Park Board reasons why Areas A and C should not be vacated. He mentioned drainage issues and recreational use of Area C. He requested that the Board not vacate the two areas and allow them to remain for park and recreational use. President Mitchell clarified that the areas were no longer considered part of the floodplain.

Phil Meyer - Baughman Company PA, confirmed that Baughman had been surveying the area as agent for Dick Hoskinson. He mentioned that there were a number of encroachments on Area C, such as fences, sheds, and some buildings. He said if the governing body vacates the areas, the land automatically goes back to the individual who has the underlying rights to the land, which was Mr. Hoskinson. Bailey asked about the acreage for both areas. Meyer said Area A was .5 acres and Area C was 3.4 acres for a total of approximately 4.25 acres.

- Charles Mansfield – clarified that if the Park Board voted to recommend vacating the areas, the land would automatically revert to Mr. Hoskinson. Dale Miller, MAPD, explained that the Park Board’s recommendation would be presented to the Planning Commission; the Planning Commission would make a recommendation to the City Council; and then the City Council would make the final decision on the vacation request.
- Ron Chapman – asked for information on Mr. Hoskinson plans for the area, specifically the access road from 13<sup>th</sup> St. Meyer briefly explained that the proposal was to construct approximately eighty single-family patio homes. He said the main access would be from 13<sup>th</sup> St., but that he believes the Fire Department may also require a second access to Hazelwood. He said the drainage plan for the development would be reviewed and approved by City Engineering during the platting process.
- Bill Galvin – expressed concern regarding traffic and the proposed access roads.
- Chester Grabinski – expressed concern regarding utility rights-of-way.
- Daniel Schaplowsky – expressed concern regarding road construction and easements.
- Johnny Flowers – stated that the neighborhood has been maintaining the area and using it for recreation. He requested that the area not be vacated.

President Mitchell stated that he has been working with Hoskinson on this project. He asked legal counsel whether he should participate in the board discussion and/or vote on this issue. Blaise Plummer, Law Department, said it would be prudent for President Mitchell to abstain from further participation on this item.

June Bailey, First Vice President, asked if there was any further public comment. Meyer stated that Baughman Company would like to request the Park Board recommend vacation of the two reserves. He said although the neighborhood may consider the areas parks, the City has never maintained

them and if they are not vacated, the City may have to begin maintaining them. He concluded by saying that Baughman and the City have discussed the idea of possibly dedicating an easement for a bike path to link a trail from 13<sup>th</sup> St. to Central.

McLeland said he was a supporter of neighborhood parks and that if the neighborhood was maintaining the area, he considered it a benefit to the City. He added that if the surrounding area is developed, there will be an even greater demand for a park area. He suggested keeping Areas A and C for park and recreational use. Niernberger noted that she had been a victim of the whim of a developer. She expressed concern that the neighborhood be notified well in advance of the vacation hearing by the Metropolitan Area Planning Commission. She commented that she would never vote in favor of the requested vacation.

**On motion by Johnston, second by McLeland, IT WAS VOTED to recommend that Areas A and C in Country Acres Fourth "B" Addition not be vacated. Motion passed 6-0. Mitchell abstained.**

2. **Swanson Park – Kansas Pipeline Company, re: exposed pipelines within the Cowskin Creek.** Tim Martz briefly reviewed the item referring board members to pictures of the exposed pipelines. He said he and Bob Jennings, Public Works Department, met with Jim Bullimore from Kansas Pipeline Company (KPC) to discuss KPC's proposal for solving the exposed pipeline problem within the Cowskin Creek at Swanson Park. Martz explained that KPC's proposal was to cut, slurry fill and cap the inactive line. He added that KPC would also like to amend the current easement agreement and acquire an additional twenty to twenty-five feet of right-of-way to reroute the line that is still active. He stated that KPC would have a survey completed for the right-of-way agreement.

Johnston asked why they didn't just remove the entire pipeline, if it was no longer being used. Martz explained that removing the pipeline would probably cause additional creek bank erosion and added that cutting, slurry filling and capping was the preferred method for line abandonment. There was brief discussion regarding the present depth of the pipelines and the current requirement that the pipelines be buried at least forty-eight inches deep.

Bailey asked about future pipeline deterioration and whose responsibility it would be to make repairs. Staff responded that it would be the City's responsibility and added that eventually riprap may be needed to prevent further erosion along the creek bank. Board members also expressed concern that KPC completely restore the site and replace any trees that were removed in order to complete the needed repairs.

**On motion by McLeland, second by Bailey, IT WAS VOTED to accept Kansas Pipeline Company's (KPC) proposed plan to solve the exposed pipelines within the Cowskin Creek at Swanson Park and permit the survey to be completed, with the proviso that KPC come back to the board for approval of the additional right-of-way easement agreement. The motion passed 6-0. Johnston abstained.**

### INFORMATIONAL ITEMS

- President Mitchell referred board members to the Grove Park information/concerns provided by Dr. Glen Dey – Northeast Heights Neighborhood Association and Willard Burton – Matlock Heights Neighborhood Association.
- President Mitchell referred board members to the Article entitled “Officials take ‘extreme’ look at park development plans” dated 9/27/00 from the Kansas City Star.

### OFF AGENDA ITEMS

**On motion by McLeland, second by Bailey, IT WAS UNANIMOUSLY VOTED that the rules be set aside and that two items be taken up off the agenda. One item concerning the walking path at the Meadows Park and the other item concerning the Grove Park Master Plan.**

1. **Walking path at the Meadows Park.** Requested by Joe McLeland. McLeland stated that during construction of Auburn Hills Golf Course, a portion of the walking path in the Meadows Park was removed with the understanding that it would be replaced and rerouted. McLeland introduced Fran Hoggatt – Maple Valley Homeowners Association. Hoggatt referred board members to a map of the Meadows Park which depicted the course of the previous walking path and the current configuration. She explained that holes #4, #5, and #6 (both putting boxes and greens) of the golf course were constructed where the path used to traverse. She said the neighborhood association would like to see the path reconnected before the golf course opens. She added that they would also like to have the path marked with mile markers and kept far enough away from the golf course for safety reasons. She mentioned that the neighborhood was currently using the golf cart paths for walking, biking, and other exercise and that she was sure the City would not want that to continue once the golf course opened. She concluded by asking if the City could also mow a sandlot style baseball field at one end of the park by the small dirt parking lot.

Director Kupper said he did not believe walking on the cart path was an issue, that rules could be developed for that type of activity during certain hours and certain times of the year. He clarified that the reason the City has not initiated reconstruction of the path was that land was currently being acquired on the other side of the creek through the Federal Emergency Management Agency (FEMA). He said staff would evaluate the whole area as one package, working out priorities and developing a master plan. He said he would contact Hoggatt regarding her request to construct a temporary-connecting path.

2. **Grove Park Discussion.** Requested by M.S. Mitchell. President Mitchell stated that the Kansas National Guard (KANG) had provided an application form for the City to submit on the Grove Park project. He said he had asked the Law Department to research the liability, indemnification, and old harmless issues. Plummer indicated that the KANG required proof of insurance and since the City was self-insured, they would provide a letter to that effect. He added that an agreement would need to be developed to cover the indemnification issue.

President Mitchell requested that the Board agree to recommend that the City make an application to the KANG for assistance with the Grove Park project.

Larry Hoetmer, Landscape Architect, briefly reviewed the consultant Request for Proposal (RFP), which included the following: site drainage, grading plan, roadway system, electrical conduit system, parking lot lighting system, refurbishing the existing football field and developing new field, golf range practice tee - to include artificial surface putting green and starter building, play equipment, picnic shelters, restroom/concession area, internal sidewalk system and utilities. He commented that the City had allocated \$750,000 for Grove Park, which was not nearly enough to complete the entire project estimated at \$1.5 million; however; several of the coalition groups indicated they may be able to provide additional funding in the future. He said the City's focus will be the roadway, infrastructure and football fields. President Mitchell requested that board members be provided a copy of the RFP.

**On motion by Bailey, second by Niernberger, IT WAS UNANIMOUSLY VOTED to request that the City make an application to the KANG for assistance with the Grove Park project.**

Director Kupper announced that Leah Hoffman from Tampa, Florida had been selected as one of the Park Superintendents and that she was scheduled to begin December 4.

There being no further business, the meeting adjourned at approximately 5:20 p.m.

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M.S. Mitchell, President

ATTEST:

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Maryann Crockett, Clerk